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NO. 91-716

Supreme Court, U.S.
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IN THE
SUPREME COURT
OF THE UNITED STATES

OCTOBER TERM, 1991

In re JAMES BLODGETT, et. al.,
Petitioners,

ON PETITION FOR WRIT OF MANDAMUS
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIEF OF STATE OF WASHINGTON
AS AMICUS CURIAE
IN SUPPORT OF PETITIONER

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INTEREST OF AMICUS CURIAE

This brief is filed on behalf of the State of Washington, as represented by the Snohomish County Prosecutor's Office. Under Washington law, the Prosecuting Attorney represents the State in all criminal actions arising within the county. Wash. Rev. Code § 36.27.020(4). This office prosecuted Campbell at trial and represented the State on direct appeal and during all state post-conviction proceedings.

SUMMARY OF THE ARGUMENT

The harm resulting from extended collateral review is vividly demonstrated in this case. There has been severe harm to both the victims' families and to society in general. The families still live in fear that Campbell might somehow



gain an opportunity to take further revenge. They do not feel that they can begin healing until justice has been done and Campbell's sentence is carried out.

The harm to society is even more egregious. This case has become a notorious example of the State's inability to protect rape victims. Because of this perceived inability, rape victims are not reporting the crimes to police, and the rapists are remaining free to commit further crimes. Women who are being raped in Washington are paying the price for the Ninth Circuit's inaction.

ARGUMENT

This court has repeatedly recognized the adverse effects of successive post-conviction proceedings:



If collateral review of a conviction extends the ordeal of trial for both society and the accused, the ordeal worsens during subsequent collateral proceedings. Perpetual disrespect for the finality of convictions disparages the entire criminal justice system.

McCleskey v. Zant, ____ U.S. ____, 113 L.Ed.2d 517, 543, 111 S.Ct. 1454, 1469 (1991) (citation omitted). These effects are particularly severe in capital cases: "[U]nlike a term of years, a death sentence cannot begin to be carried out by the State while substantial legal issues remain outstanding." Barefoot v. Estelle, 463 U.S. 880, 888, 77 L.Ed.2d 1090, 103 S.Ct. 3383 (1983).

In Campbell's case, this "ordeal" is being suffered in two ways. First, there is the impact on the victims' families. They remain in fear that Campbell might somehow escape and take even further



revenge. This fear is not irrational: Campbell has already once revenged himself on Renae Wicklund and Barbara Hendrickson six years after they testified against him, during a time when he was supposedly in prison.

The families wish to close this horrible chapter in their lives. They feel that they can begin healing only when justice has been carried out. The delay in Campbell's case keep the wound open. As Renae's mother has put it:

For a long time, I blamed the delays in this case on Campbell and thought that he was still victimizing us. Now, I believe that it is no longer Campbell who is doing this to us--It is the criminal justice system that is allowing him to do it.

Appendix at 11.

Even worse than the impact on the victim's families is the impact on rape

victims in general. The crimes committed by Campbell were three of the most notorious murders that have ever occurred in Washington. Six years before, Campbell had raped and sodomized Renae Wicklund. In the course of the rape, he had held a knife against the throat of her one-year-old daughter Shannah. Despite this, Renae and Barbara had the courage to testify against him. To repay them for their courage, Campbell murdered all three of them.

The immediate consequence of this crime was fear. Rape victims are afraid that if they report the crime, they too will suffer the same fate. Rapists are using references to this case as a threat to prevent police from learning about their crimes. Appendix at 20-21. As the

delays continue, new court proceedings periodically renew public attention to the case. Every time this happens, the fear is renewed as well.

The State of Washington has declared that crimes like this should be punished by death. Yet, nine years after the crimes, Campbell is still alive. This leads the public to believe that the State is unable or even unwilling to protect rape victims. Once public confidence in the law's power is destroyed, there is nothing to counteract the fear of reporting that this crime has engendered.

The harm that has resulted from the delays in this case is vividly demonstrated by the words of one rape victim. When this woman was raped, the rapist

told her that, if she told police, he would kill her like Campbell. She has never reported the crime to police. She has said that every time she hears Campbell's name mentioned in the media, "I feel I took the correct action. It reinforces that society and the courts has not yet fixed upon or clarified its values." Appendix at 22.

The consequences of the delays in this case are concrete. Because of them, rape victims are not reporting crimes committed against them. The criminals are being left free to do the same thing again. Women who are being raped in Washington are paying the price for the Ninth Circuit's inaction.

A case as notorious as this one becomes a symbol, one way or another. It

should have been a symbol of the severe punishment that will be imposed on anyone who dares commit such a heinous crime in the State of Washington. Instead, it has become a symbol of the State's inability to enforce its laws and to protect victims of violent crimes. This situation should never have been allowed to arise. It should not be allowed to endure.

CONCLUSION

This case should be brought to an end one way or another. If, contrary to the ruling of every court so far, the proceedings against Campbell were tainted by constitutional error, that error should have been promptly corrected. If, on the other hand, the proceedings were proper, the State should be allowed to carry out its lawful sentence. The petition for mandamus should be granted.

Respectfully submitted this ____ day of November, 1991.

SETH AARON FINE
Deputy Prosecuting Attorney
Snohomish County Prosecutor's Office

Attorney for Amicus Curiae



In re JAMES BLODGETT,)
) No.
 et al.,)
) AFFIDAVIT OF
) HILDA AHLERS
)
 Petitioners.)

1. I am the mother of Renae Wicklund and the grandmother of Shannah Wicklund, two of the people who were murdered by Charles Campbell.

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3. Although I never saw the murder scene, I can still see it and hear the screams in my mind. Life will never be the same again. We cannot bring our loved ones back, but our good memories will keep them alive for me. I can have these good memories only if I am healing. Healing will come only after the execution.

4. For a long time, I blamed the delays in this case on Campbell and thought that he was still victimizing us. Now, I believe that it is no longer Campbell who is doing this to us--it is the criminal justice system that is allowing him to do it.

5. I thank God for giving me the strength to stand under this terrible shock and continued stress. I pray that



soon justice will be accomplished, so that I may start healing and go on with my life and fight for victim's rights so that I may help others to survive such tragedies.

/s/ Hilda Ahlers
HILDA AHLERS

Subscribed and sworn to before me this 13th day of November, 1991.

/s/ Joan Weatherly
NOTARY PUBLIC for the State of North Dakota, residing at Jamestown, N.D.
My commission expires:
JOAN WEATHERLY
Notary Public, STUTSMAN CO., N. DAK.
My Commission Expires July 3, 1992
(seal)

February 16, 1989

Dear Members of the Board

Ref: Case # _____
Charles Rodman Campbell

I am writing this letter to try to share some of my thoughts and feelings at

this time--7 years after the murders of my beloved daughter and granddaughter, Renae and Shannah Wicklund, and their neighbor and good friend, Barbara Hendrickson.

I believe in the death penalty and that it is fair and just for Charles Campbell to be executed for ending these precious lives. I hope and pray that this execution will take place very soon--on the date that has been set at this time of March 30, 1989.

I feel that I will be better able to begin dealing with these losses and get started on the long road toward recovery (as much as possible) once this execution is carried out. Then I will be better able to at last sort through Renae and Shannah's things, including their

belongings that have been kept as evidence all this time.

I hope and pray that there will not be any delays in the carrying out of his execution. Delays add more stress--the burden continues to accumulate--the earlier pain does not fade away.

People--well meaning--are always asking what's going on with the case. Often I avoid going downtown so that I don't have to deal with the additional pain of these questions and comments. I look forward to the day I can say--"He was executed, he has paid the earthly penalty that our laws and society and justice demand, and now most important of all I know that he can never hurt and/or take anyone else's life." I won't have to constantly worry that he may find a way

to escape someday and hurt others. I also won't have to worry that someone, in a position to do so, may take pity and decide to be merciful to this person who showed absolutely no pity or mercy for Renae, Shannah and Barbara. This you will know if you've reviewed this case thoroughly and looked at the photos taken at the scene of the crime.

Genesis 4:9 & 10 in the Bible tells us that, after Cain had murdered Able, God said that the voice of Ables blood was crying out to him from the earth. Please hear the silent cries of pain caused by the indescribable horrors that my Renae and Shannah were put through and their lives taken and all the memories that we would have created but have been denied us by the acts of Charles Campbell.



I close by asking that Justice be served for Renae, Shannah and Barbara, for mercy and some peace for myself and other family members and friends. This will be accomplished through the execution of Charles R. Campbell just as soon as possible

Respectfully,

/s/ Hilda Ahlers

11/13/91

To Whom It May Concern:

My name is Lorene Ahlers Iverson, and I am the sister of Renae Ahlers Wicklund and aunt of Shannah Wicklund. It will be 10 years in April of 1992 that my sister and niece were murdered by Charles Rodman Campbell.

I live in fear that one day Charles Rodman Campbell will either escape prision or the judicial system and take revenge on myself or my family. I know in detail what this man is capable of doing to a human life.

The longer the system delays Charles Rodman Campbell's execution, the more intense my fear becomes of him being released or escaping into society.

I don't want Charles Rodman Campbell

exected for revenge. I need to positively know that he will never physically harm any human being again. Every day that he is allowed to live is another day that I live in fear of my life and that of my family.

/s/ Lorene Ahlers Iverson
LORENE AHLERS IVERSON

Subscribed and sworn to before me this
14th day of November, 1991.

/s/ David L. Odin
Notary Public

David L. Odin
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires JUNE 13, 1996
(seal)

IN THE SUPREME COURT
OF THE UNITED STATES

In re JAMES BLODGETT,)
) No.
et al.,)
) AFFIDAVIT OF
) CANDY ASHBROOK
)
Petitioners.)

Candy Ashbrook, having first been
duly sworn, states the following:

1. I am the Director of Providence
Hospital Sexual Assault Center in
Everett, Washington. I have held this
position since April, 1990. Before
becoming director, I worked for the
Center in various other positions since
January, 1980.

2. The Sexual Assault Center
provides advocacy services for victims of
sexual assault and their non-offending
family members. It serves between 2500

and 3000 victims and family members per year.

3. Among other services, the Center maintains a Crisis Line. This is a 24-hour-a-day phone center, which provides emergency assistance for victims of sexual abuse.

4. In 1982, the year that Campbell committed his crimes, there was a 31% decrease in calls received by the Center's crisis line. Many victims who did call said that they would not report the crime to law enforcement because of what had happened to Campbell's victims.

5. Since 1982, victims have continued to refer to the Campbell case as a reason for not reporting crimes. Many rapists have told their victims that they would kill them if they reported,

specifically using the Campbell case to add credibility to this threat.

6. Whenever there is media attention to the Campbell case, it creates additional trauma to rape victims. There is an increase in calls to the Crisis Line by victims who wish to discuss concerns stemming from that case.

7. The Sexual Assault Center also conducts an educational program. Speakers are sent to schools to educate the students on preventing sexual abuse. The program reaches 1000 to 1500 high school students each year. I have personally participated as a speaker in these programs.

8. One of the concerns frequently mentioned by these students involves the Campbell case. They often ask how a

person can be sure that nothing will happen to them if they report the crime to police, citing that case as an example.

9. The experiences of a woman who was raped in 1989 provide a concrete example of these problems. I have personally counseled this woman who was raped in 1989. She has told me that the rapist held a knife to her throat during the rape. He said that if she told police he would kill her like Campbell. Because of this threat, the woman has never reported the crime to police. She has said that whenever she hears Campbell's name mentioned in the media, "I feel I took the correct action. It reinforces that society and the courts has not yet fixed upon or clarified its values."

/s/ Candy Ashbrook
CANDY ASHBROOK

Subscribed and sworn to before me this
8th day of November, 1991.

/s/ Cynthia Ostrom
NOTARY PUBLIC for the State of
Washington, residing at Everett.
My commission expires: 5/23/92
(seal)